IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 907 OF 2005

Smt. Shamim Banu N. Khan .. .. Petitioner.

Versus.
The Commissioner of Police
Mumbai, and others.
..Respondents.

Smt. Pranali P. Kakade, i/b Rajeev Sawant & Associates, for the Petitioner.

Smt. A. S. Pai, A. P. P., for the Respondents.

CORAM: S.B.MHASE &
S.R.SATHE, JJ.
DATE : SEPTEMBER 6, 2005

P.C.

1. This matter was heard by us on August 17 and August 18, 2005 for final disposal. Ultimately, on August 18, 2005, learned Counsel for the petitioner pressed a new ground which is not reflected in the petition. The respondents were thereby taken by surprise. Therefore, to avoid any inconvenience to the respondents and to allow the petitioner to take up the said ground, we granted leave to amend and the matter was kept on August 19, 2005.

2. In accordance with the leave granted by us, learned Counsel for the petitioner made the amendment. However, the learned A.P.P. for the State of Maharashtra submitted that time may be granted to file a reply affidavit

to the additional ground. Therefore, the matter was adjourned to 26th August 2005. On 29.8.2005, the matter appeared before this Court. Again time was granted to file a reply affidavit. Thus the matter appeared before this Court yesterday, i.e., on September 5, 2005. When the matter was being argued, the learned A.P.P. for the State of Maharashtra submitted a fax message of the Superintendent, Nashik Road Central Jail, saying that the petitioner is being released on 6.9.2005. It, therefore, transpires that the adjudication of this petition is only academic. Today is the last date on which the detenue is being released as per the letter of the Superintendent of Jail, Nashik Road Central Jail.

3. In view of these facts, we find that the petition is rendered infructuous and accordingly the same is disposed of as infructuous. Rule discharged.

(S.R.SATHE,J.) **(S.B.MHASE,J.)**

logic:MPR/2005.